

Howard M.S. Hu, Chapter 13 Trustee  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII  
1132 BISHOP STREET, SUITE 250  
HONOLULU, HI 96813

Debtor(s):  
**NELSON GARDUQUE SIMBAJON SR.**

Case No.: **16-00582**  
Hearing Date: MAY 31, 2018  
Time: 9:35 a.m.

### **TRUSTEE'S MOTION TO DISMISS CASE; NOTICE OF HEARING**

Trustee moves under 11 U.S.C. § 1307(c) for an order dismissing this case for the reason(s) below.

Material default under the confirmed plan - plan payments not current.

Material default under the confirmed plan - tax returns/refunds not submitted to trustee.

If arrearage: Monthly payment amount: \$1,390.00 Approximate arrearage as of date below: \$10,400.00

If missing tax returns/refunds: Tax years: 2016 / 2017

Pursuant to LBR 2083-1(e)(2), the court may grant conditional relief at the hearing, providing for dismissal of the case unless, within 21 days after this motion is heard, the debtor satisfies the plan payment arrearage (including any missed payments after the date below) or other deficiency. If the debtor fails to satisfy this condition, the trustee may file a declaration requesting the entry of a written order dismissing the case.

### **NOTICE OF HEARING**

**Notice is given that this motion will be heard on the date and time noted above at the United States Bankruptcy Court, District of Hawaii, 1132 Bishop Street, Honolulu, Hawaii.**

Your rights may be affected. You should consider the motion carefully and discuss it with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to dismiss your case, you or your attorney must attend the hearing. If you do not attend the hearing or file a written opposition, the court may decide that you do not oppose the motion and may enter an order dismissing your case.

### **CERTIFICATE OF SERVICE**

Trustee certifies that a copy of this motion was served on the Office of the United States Trustee and the persons below by the court's electronic transmission facilities (ECF) or first class mail.

Dated: May 3, 2018

/s/ Howard M.S. Hu, Trustee

Debtor(s)

NELSON GARDUQUE SIMBAJON SR.  
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Attorney for Debtor(s)

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